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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,737

09/26/2003

Jeyhan Karaoguz

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EXAMINER

LEMMA, SAMSON B

ART UNIT

PAPER NUMBER

2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/672,737	KARAOGUZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Samson B. Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***DETAILED ACTION***

1. This is in reply to application filed on September 26/2003. **Claims 1-27** are pending/examined.

### ***Priority***

2. This application claims priority of a provisional application, 60/432,472 filed on **Dec 11, 2002**. Therefore, the effective filing data for the subject matter defined in the pending claims of this application is **12/11/2002**.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 4-24 and 27** are rejected under 35 U.S.C. 102(b) as being anticipated by **Frezza** (hereinafter referred as **Frezza**) (U.S. Patent No. 4,638,356) (date of patent: 01/20/1987)

5. **As per independent claims 1, 17 and 21** **Frezza** discloses a system for preventing unauthorized access to a network device, [column 1, lines 19-22) (A mechanism by which access to CATV communication resources is controlled so that unauthorized users are denied access and authorized users are granted access) comprising:

- A headend coupled to a communications network; and a network device deployed in a home environment and communicatively coupled to the communications network via the headend, wherein the headend is adapted to

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**determine whether a request to access the network device is authorized.** [column 1, lines 25-40) *(A node originating a message (a source node), which can be located at any respective point in the CATV system, transmits a verification message, referred to as a frame verifier (FV) code, as part of an upstream message. **The headend** apparatus of the CATV system **examines the frame verifier code** and rebroadcasts the received upstream message in the downstream portion of the cable spectrum only if the frame verifier code indicates that the source node is an authorized user, thereby **granting** the user access to the CATV resources. Conversely, **the headend** apparatus does not rebroadcast the upstream message if the frame verifier code indicates that the source node is not an authorized user, thereby **denying** the user meaningful access to the CATV resources. Thus, **system access control is centralized at the headend.**)*

6. **As per dependent claims 4-16, 18-20 and 22-24 and 27** Frezza discloses a system/method as applied to claims above. Furthermore, Frezza discloses the method wherein the headend is adapted to prevent unauthorized data from reaching the network device; wherein the data is received by the headend from the communications network; wherein the headend is adapted to determine whether a particular service provider, which is seeking access to the network device, is authorized to send data to the network device; wherein the headend is adapted to employ at least one of authentication techniques, encryption techniques and decryption techniques; wherein the headend is adapted to facilitate pushing a file residing in an authorized device to the network device or to a storage device coupled to the network device. [column 1, lines 19-40) (On column 1, lines 19-22, the following has been disclosed, "A mechanism by which access to CATV communication resources is controlled so that unauthorized users are denied access and authorized users are granted access", Furthermore on column 1, lines, lines 25-40, the following has been disclosed. "A node originating a message (a source node), which can be located at any respective point in the CATV system, transmits a

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*verification message, referred to as a frame verifier (FV) code, as part of an upstream message. The headend apparatus of the CATV system examines the frame verifier code and rebroadcasts the received upstream message in the downstream portion of the cable spectrum only if the frame verifier code indicates that the source node is an authorized user, thereby granting the user access to the CATV resources. Conversely, the headend apparatus does not rebroadcast the upstream message if the frame verifier code indicates that the source node is not an authorized user, thereby denying the user meaningful access to the CATV resources. Thus, system access control is centralized at the headend.")*

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2-3 and 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Frezza** (hereinafter referred as **Frezza**) (U.S. Patent No. 4,638,356) (date of patent: 01/20/1987) in view of **Safadi et al** (hereinafter referred as **Safadi**)(U.S. Publication No: 2003/0126608 A1) (filed on December 31, 2001)
9. **As per claims 2-3 & 25-26** **Frezza** discloses a system for preventing unauthorized access to a network device, [column 1, lines 19-22) (*A mechanism by which access to CATV communication resources is controlled so that unauthorized users are denied access and authorized users are granted access*) **comprising:**

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- **A headend coupled to a communications network; and a network device deployed in a home environment and communicatively coupled to the communications network via the headend, wherein the headend is adapted to determine whether a request to access the network device is authorized.**[column 1, lines 25-40) *(A node originating a message (a source node), which can be located at any respective point in the CATV system, transmits a verification message, referred to as a frame verifier (FV) code, as part of an upstream message. **The headend** apparatus of the CATV system **examines the frame verifier code** and rebroadcasts the received upstream message in the downstream portion of the cable spectrum only if the frame verifier code indicates that the source node is an authorized user, thereby **granting** the user access to the CATV resources. Conversely, **the headend** apparatus does not rebroadcast the upstream message if the frame verifier code indicates that the source node is **not an authorized user**, thereby **denying** the user meaningful access to the CATV resources. Thus, **system access control is centralized at the headend.**)*

**Frezza** does not explicitly teach that

- the headend is adapted to perform at least one of Internet protocol (IP) registration, identification registration and digital rights management.
- the headend is adapted to perform at least one of channel/program set up, channel/program management, anonymous proxy services, media caching, media storage, billing and tracking.

However, in the same field of endeavor, **Safadi discloses**

- **the headend is adapted to perform at least one of Internet protocol (IP) registration, identification registration and digital rights management.** (figure 1, ref. Num 120, paragraph 0020, "DRM/digital rights management") *(Digital rights management (DRM) of the content may be provided by one of the system operator 40 or a*

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*content provider 52. DRM secures the sale of content and protects against illegal, unauthorized distribution and playback of content. DRM may also allow for copy control, including anti-copying features, conditional copy features, and generational copy-control features. DRM protects content owners, distributors, and retailers. Digital rights management may comprise encrypting of the streaming media content for secure delivery. Digital rights management may be enabled using extensible rights markup language (XrML). The FIGURE shows content provider 52 as having DRM capabilities for purposes of illustration only. Those skilled in the art will appreciate that there may be a multitude of content providers, each having a different DRM scheme.)*

**Safadi further discloses,**

- **the headend is adapted to perform at least one of channel/program set up, channel/program management, anonymous proxy services,***[figure 1, ref. Num "120" DRM PROXY DEVICE)* **media caching, media storage, billing and tracking.***[paragraph 0018] (The delivery of streaming media content may be tracked by the system operator 40. **Tracking of the delivery** of the streaming media content will facilitate billing and **billing verification** for the streaming media content delivery as well as other revenue generating opportunities. For example, a percentage of a fee for delivery of the streaming media content from a streaming media content provider (e.g., content providers 50, 52) may be paid to the system operator 40. The fee is enabled by referral information embedded in a uniform resource locator (URL) associated with the content.)*

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of the headend adapted to perform at least one of Internet protocol (IP) registration, identification registration and digital rights management and the features of the headend adapted to perform at least one of channel/program set up, channel/program management, anonymous proxy services, media caching, media storage, billing and tracking, as per teachings of **Safadi** into the

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method taught by **Frezza** for the purpose providing secure delivery of media content over the network [**See Safadi**; paragraph 0020]

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-873-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**

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01/11/2007

  
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